

230.25 Environmental review and consultation requirements.

230.26 General considerations in preparing Corps EISs.

APPENDIX A TO PART 230—PROCESSING CORPS NEPA DOCUMENTS

APPENDIX B TO PART 230 [RESERVED]

APPENDIX C TO PART 230—NOTICE OF INTENT TO PREPARE A DRAFT EIS

AUTHORITY: National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*); E.O. 11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by E.O. 11991, May 24, 1977; and CEQ Regulations Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

SOURCE: 53 FR 3127, Feb. 3, 1988, unless otherwise noted.

§ 230.1 Purpose.

This regulation provides guidance for implementation of the procedural provisions of the National Environmental Policy Act (NEPA) for the Civil Works Program of the U.S. Army Corps of Engineers. It supplements Council on Environmental Quality (CEQ) regulations 40 CFR parts 1500 through 1508, November 29, 1978, in accordance with 40 CFR 1507.3, and is intended to be used only in conjunction with the CEQ regulations. Whenever the guidance in this regulation is unclear or not specific the reader is referred to the CEQ regulations. Appendix A provides guidance on processing NEPA documents except for those concerning regulatory actions. Appendix C (formally ER 200-2-1) has been added to provide guidance on preparing and processing a notice of intent to prepare an EIS for publication in the FEDERAL REGISTER for all types of Corps actions. 33 CFR part 325, Appendix B provides procedural guidance for preparing and processing NEPA documents for regulatory actions.

§ 230.2 Applicability.

This regulation is applicable to all HQUSACE elements and all Field Operating Activities (FOAs) having responsibility for preparing and processing environmental documents in support of Civil Works functions.

§ 230.3 References.

(a) Executive Order 12291, Federal Regulation, February 17, 1981 (46 FR 13193, February 19, 1981).

(b) Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, January 4, 1979 (44 FR 1957, January 9, 1979).

(c) Clean Water Act (formerly known as the Federal Water Pollution Control Act) 33 U.S.C. 1344 (hereinafter referred to as section 404).

(d) Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

(e) Environmental Effects Abroad of Major Department of Defense Actions; Policies and Procedures 32 CFR part 197 (44 FR 21786-92, April 12, 1979).

(f) Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*

(g) National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

(h) National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*

(i) "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act of 1969," (40 CFR parts 1500 through 1508, November 29, 1978), Council on Environmental Quality.

(j) Economic and Environmental Principles and Guidelines for Water and Related Land Resource Implementation Studies (48 CFR parts 10249 through 10258, March 10, 1983).

(k) Regulatory Programs of the Corps of Engineers 33 CFR parts 320 through 330, and 334.

(l) CEQ Information Memorandum to Agencies Containing Answers to 40 Most Asked Questions on NEPA Regulations (46 FR 34263-68, July 28, 1983).

(m) ER 310-1-5. Federal Register Act Requisitioning.

(n) ER 1105-2-10 thru 60. Planning Regulations.

§ 230.4 Definitions.

Refer to 40 CFR part 1508; other definitions may be found in the references given above.

§ 230.5 Responsible officials.

The district commander is the Corps NEPA official responsible for compliance with NEPA for actions within district boundaries. The district commander also provides agency views on other agencies' environmental impact statements (EIS). The Office of Environmental Policy HQUSACE (CECW-